

THE CLAIMS

This listing of claims replaces all prior listings.

1. (Previously Presented) A computer network implemented system for implementing product sampling programs, comprising:
 - a central computer system;
 - a communications medium over which the central computer system can communicate with each one of a plurality of retailer computer systems;
 - wherein said central computer system is programmed to:
 - determine, based at least in part on manufacturer promotional sample product criteria data, first offer data constituting a first offer for a first retailer to participate in a sampling program;
 - determine, based at least in part on manufacturer promotional sample product criteria data, second offer data constituting a second offer for a second retailer to participate in a sampling program;
 - transmit said first offer data to a first retailer computer system of said plurality of retailer computer systems;
 - transmit said second offer data to a second retailer computer system of said plurality of retailer computer systems;
 - receive from said first retailer computer system first retailer consumer profile data comprising CIDs of customers of said first retailer;
 - receive from said second retailer computer system second retailer consumer profile data comprising CIDs of customers of said second retailer;
 - determine from said first retailer consumer profile data, first retailer selected CIDs;
 - determine from said second retailer consumer profile data, second retailer selected CIDs;
 - wherein said first retailer selected CIDs are CIDs having data associated with them that satisfy consumer profile criteria data, wherein said consumer profile criteria are based at least in part upon said manufacturer promotional sample product criteria data;
 - wherein said second retailer selected CIDs are CIDs having data associated with them that satisfy consumer profile criteria, wherein said consumer profile criteria are based at least in part upon said manufacturer promotional sample product criteria data;

communicate instructions how to deliver sample products to postal addresses of consumers associated with said first retailer selected CIDs and said second retailer selected CIDs.

2. (Previously Presented) The system of claim 1 wherein said central computer system is further programmed to:

receive from said first retailer computer system first retailer offer response data indicating whether a first retailer has accepted, rejected, or counter offered said first offer;

receive from said second retailer computer system second retailer offer response data indicating whether a second retailer has accepted, rejected, or counter offered said second offer.

3. (Previously Presented) The system of claim 1 wherein said central computer system is further programmed to:

receive from a first one of said retailer computer systems first retailer consumer profile data in a first data exchange data transmission format and interpret that data based upon predetermined specification of said first one of said retailer computer systems' first data exchange data transmission format; and

receive from a second one of said retailer computer systems second retailer consumer profile data in a second data exchange data transmission format and interpret that data based upon predetermined specification of said second one of said retailer computer systems' second data exchange data transmission format.

4. (Previously Presented) The system of claim 1 wherein said central computer system is further programmed to:

determine based upon said manufacturer promotional sample product criteria data and retailer identification data, offer data constituting different criteria to different retailers.

5. (Previously Presented) The system of claim 1 wherein said central computer system is further programmed to:

determine based upon said manufacturer promotional sample product criteria data and fulfillment house availability data, offer data constituting said first offer.

6. (Previously Presented) The system of claim 1 wherein said central computer system is further programmed to:

if said first offer has been counter offered, determine whether to accept said counter offer based upon said manufacturer promotional sample product criteria data, and, if said determination is to accept

said counter offer, then to communicate that acceptance to said first one of said retailer computer systems.

7. (Previously Presented) The system of claim 1 wherein said central computer system is further programmed to:

transmit to said first retailer computer system consumer profile criteria data containing first retailer consumer profile criteria and a prompt to said first retailer computer system to transmit to the central computer system consumer profile data meeting said first retailer consumer profile criteria.

8. (Previously Presented) The system of claim 7 wherein said central computer system is further programmed to:

receive consumer profile data meeting said first retailer consumer profile criteria; and
determine CIDs from said first retailer consumer profile data that are associated with consumer profile data that meets additional consumer profile criteria, wherein said additional consumer profile criteria are in addition to consumer profile criteria transmitted to said first retailer computer system.

9. (Previously Presented) The system of claim 8 wherein said additional consumer profile criteria is retailer dependent.

10. (Previously Presented) The system of claim 8 wherein said additional consumer profile criteria contains consumer demographics criteria.

11. (Previously Presented) The system of claim 8 wherein said additional consumer profile criteria contains consumer purchase history criteria.

12. (Previously Presented) The system of claim 1 further comprising a manufacturer computer system and wherein said central computer system is programmed to:

receive from said manufacturer computer system manufacturer promotional sample product criteria data defining a request for said central computer system to solicit contracts to implement a sampling program with retailers.

13. (Previously Presented) The system of claim 1 wherein said central computer system is programmed to:

determine CIDs having data associated with them that satisfy said consumer profile criteria data, wherein said consumer profile criteria data is based at least in part on said manufacturer promotional sample product criteria data.

14. (Previously Presented) The system of claim 1 further comprising said plurality of retailer computer systems, and wherein said first retailer computer system is programmed to determine CIDs having data associated with them that satisfy criteria contained in consumer profile criteria data transmitted by said central computer system to said first retailer computer system, wherein said consumer profile criteria data is based at least in part on manufacturer promotional sample product criteria data.

15. (Previously Presented) The system of claim 1 further comprising an analytics unit for analyzing data to determine CIDs meeting criteria contained in consumer profile criteria data, in communication with said central computer system.

16. (Previously Presented) The system of claim 1 further comprising a master database, said master database storing (1) manufacturer promotional sample product offer criteria and (2) consumer profile data.

17. (Previously Presented) The system of claim 16 wherein said manufacturer promotional sample product offer criteria contains one or more of (1) consumer profile criteria data, (2) sample product timing criteria data, (3) manufacturer post promotional product sales goals data, (4) post promotional product sales data, (5) pre promotional product sales data, (6) fulfillment criteria data, and (7) manufacturer contract terms criteria data.

18. (Previously Presented) The system of claim 16 wherein said consumer profile data contains (1) CIDs in association with one or more of (2) consumer address data, (3) consumer demographic data, and (4) consumer purchase history data.

19. (Previously Presented) The system of claim 18 wherein said consumer purchase history data contains at least one of date and values of each consumer purchase, identification of items purchased, dates on which items were each purchased, location of each purchase, time-of-day of each purchase, frequency of each purchase, recency of each purchase, and frequencies of purchases of different brands of competing goods.

20. (Previously Presented) The system of claim 1 further comprising means for generating print files for printing delivery paperwork.

21. (Previously Presented) The system of claim 1 wherein said first offer data contains said consumer profile criteria data.

22. (Previously Presented) The system according to claim 1 further comprising said first retailer computer system and a first retailer purchase history database associated with said first retailer computer system, wherein said first offer data contains first offer consumer profile criteria data containing first offer consumer profile criteria, and wherein said first retailer computer system is programmed to respond to receipt of said first offer data by transmitting to said central computer system consumer profile data containing records for consumers whose consumer profile data satisfies said first offer consumer profile criteria.

23. (Previously Presented) A computer network implemented method for implementing product sampling programs, comprising the steps of:

determining in a central computer system, based at least in part on manufacturer promotional sample product criteria data, first offer data constituting a first offer for a first retailer to participate in a sampling program;

determining in said central computer system, based at least in part on manufacturer promotional sample product criteria data, second offer data constituting a second offer for a second retailer to participate in a sampling program;

transmitting from said central computer system over a communications medium said first offer data to a first retailer computer system of a plurality of retailer computer systems;

transmitting from said central computer system over said communications medium said second offer data to a second retailer computer system of said plurality of retailer computer systems;

receiving from said first retailer computer system at said central computer system first retailer consumer profile data comprising CIDs of customers of said first retailer;

receiving from said second retailer computer system at said central computer system second retailer consumer profile data comprising CIDs of customers of said second retailer;

determining at said central computer system from said first retailer consumer profile data, first retailer selected CIDs;

determining at said central computer system from said second retailer consumer profile data, second retailer selected CIDs;

wherein said first retailer selected CIDs are CIDs having data associated with them that satisfy consumer profile criteria, wherein said consumer profile criteria are based at least in part upon said manufacturer promotional sample product criteria data;

wherein said second retailer selected CIDs are CIDs having data associated with them that satisfy consumer profile criteria data, wherein said consumer profile criteria are based at least in part upon said manufacturer promotional sample product criteria data;

communicating instructions how to deliver sample products to postal addresses of consumers associated with said first retailer selected CIDs and said second retailer selected CIDs.

24. (Previously Presented) The method of claim 23 further comprising the steps of:

receiving at said central computer system from said first retailer computer system first retailer offer response data indicating whether a first retailer has accepted, rejected, or counter offered said first offer;

receiving at said central computer system from said second retailer computer system second retailer offer response data indicating whether a second retailer has accepted, rejected, or counter offered said second offer.

25. (Previously Presented) The method of claim 23 further comprising the steps of:

receiving from a first one of said retailer computer systems first retailer consumer profile data in a first data exchange data transmission format and interpreting that data based upon predetermined specification of said first one of said retailer computer systems' first data exchange data transmission format; and

receiving from a second one of said retailer computer systems second retailer consumer profile data in a second data exchange data transmission format and interpreting that data based upon predetermined specification of said second one of said retailer computer systems' second data exchange data transmission format.

26. (Previously Presented) The method of claim 23 further comprising the steps of:

determining at the central computer system, based upon said manufacturer promotional sample product criteria data and retailer identification data, offer data constituting different criteria to different retailers.

27. (Previously Presented) The method of claim 23 further comprising the steps of:

determining at the central computer system, based upon said manufacturer promotional sample product criteria data and fulfillment house availability data, offer data constituting said first offer.

28. (Previously Presented) The method of claim 23 further comprising the steps of:

if said first offer has been counter offered, determining whether to accept the counter offer

based upon said manufacturer promotional sample product criteria data, and, if said determination is to accept said counter offer, then communicating that acceptance to a first one of said retailer computer systems.

29. (Previously Presented) The method of claim 23 further comprising the steps of:
transmitting from said central computer system to said first retailer computer system consumer profile criteria data containing first retailer consumer profile criteria and a prompt to said first retailer computer system to transmit to the central computer system consumer profile data meeting said first retailer consumer profile criteria.

30. (Previously Presented) The method of claim 29 further comprising the steps of:
receiving at the central computer system consumer profile data meeting said first retailer consumer profile criteria; and

determining at the central computer system CIDs from said first retailer consumer profile data that are associated with consumer profile data that meets additional consumer profile criteria, wherein said additional consumer profile criteria are in addition to consumer profile criteria transmitted to said first retailer computer system.

31. (Previously Presented) The method of claim 30 wherein said additional consumer profile criteria is retailer dependent.

32. (Previously Presented) The method of claim 30 wherein said additional consumer profile criteria contains consumer demographics criteria.

33. (Previously Presented) The method of claim 30 wherein said additional consumer profile criteria contains consumer purchase history criteria.

34. (Previously Presented) The method of claim 23 further comprising the steps of:
receiving at said central computer system from a manufacturer computer system manufacturer promotional sample product criteria data defining a request for said central computer system to solicit contracts to implement a sampling program with retailers.

35. (Previously Presented) The method of claim 23 further comprising the steps of:
determining at the central computer system CIDs having data associated with them that satisfy said consumer profile criteria data, wherein said consumer profile criteria data is based at least in part on said manufacturer promotional sample product criteria data.

36. (Previously Presented) The method of claim 23 further comprising the steps of:

determining at said first retailer computer system CIDs having data associated with them that satisfy criteria contained in consumer profile criteria data transmitted by said central computer system to said first retailer computer system, wherein said consumer profile criteria data is based at least in part on said manufacturer promotional sample product criteria data.

37. (Previously Presented) The method of claim 23 further comprising the steps of analyzing in an analytics unit in communication with said central computer system, data to determine CIDs meeting criteria contained in said consumer profile criteria data.

38. (Previously Presented) The method of claim 23 further comprising the steps of: storing in a master database (1) manufacturer promotional sample product offer criteria and (2) consumer profile data.

39. (Previously Presented) The method of claim 38 wherein said manufacturer promotional sample product offer criteria contains one or more of (1) consumer profile criteria data, (2) sample product timing criteria data, (3) manufacturer post promotional product sales goals data, (4) post promotional product sales data, (5) pre promotional product sales data, (6) fulfillment criteria data, and (7) manufacturer contract terms criteria data.

40. (Previously Presented) The method of claim 38 wherein said consumer profile data contains (1) CIDs in association with one or more of (2) consumer address data, (3) consumer demographic data, and (4) consumer purchase history data.

41. (Previously Presented) The method of claim 40 wherein said consumer purchase history data contains at least one of date and value of consumer purchases, identification of items purchased, dates on which items were each purchased, location of each purchase, time-of-day of each purchase, frequency of each purchase, recency of each purchase, and frequencies of purchases of different brands of competing goods.

42. (Previously Presented) The method of claim 23 further comprising the step of generating a file for printing delivery paperwork.

43. (Previously Presented) The method of claim 23 wherein said first offer data contains said consumer profile criteria data.

44. (Previously Presented) The method of claim 23 further comprising the step of: transmitting, in response to receipt by said first retailer computer system of first offer consumer profile criteria data containing first offer consumer profile criteria, from said first

retailer computer system to said central computer system, consumer profile data containing records from a first retailer purchase history database associated with said first retailer computer system of consumers whose consumer profile data satisfies said first offer consumer profile criteria.

45. (Previously Presented) A computer program product for programming a central computer system to implement product sampling programs, comprising:

code for programming a central computer system to:

determine, based at least in part on manufacturer promotional sample product criteria data, first offer data constituting a first offer for a first retailer to participate in a sampling program;

determine, based at least in part on manufacturer promotional sample product criteria data, second offer data constituting a second offer for a second retailer to participate in a sampling program;

transmit said first offer data to a first retailer computer system of said plurality of retailer computer systems;

transmit said second offer data to a second retailer computer system of said plurality of retailer computer systems;

receive from said first retailer computer system first retailer consumer profile data comprising CIDs of customers of said first retailer;

receive from said second retailer computer system second retailer consumer profile data comprising CIDs of customers of said second retailer;

determine from said first retailer consumer profile data, first retailer selected CIDs; determine from said second retailer consumer profile data, second retailer selected CIDs; wherein said first retailer selected CIDs are CIDs having data associated with them that satisfy consumer profile criteria data, wherein said consumer profile criteria are based at least in part upon said manufacturer promotional sample product criteria data;

wherein said second retailer selected CIDs are CIDs having data associated with them that satisfy consumer profile criteria, wherein said consumer profile criteria are based at least in part upon said manufacturer promotional sample product criteria data;

communicate instructions how to deliver sample products to postal addresses of consumers associated with said first retailer selected CIDs and said second retailer selected CIDs.

46. (Previously Presented) A computer program product for programming a central computer system to implement product sampling programs, comprising:

code for programming a central computer system to:

- determine, based at least in part on manufacturer promotional sample product criteria data, first offer data constituting a first offer for a first retailer to participate in a sampling program;
- determine, based at least in part on manufacturer promotional sample product criteria data, second offer data constituting a second offer for a second retailer to participate in a sampling program;
- transmit said first offer data to a first retailer computer system of said plurality of retailer computer systems;
- transmit said second offer data to a second retailer computer system of said plurality of retailer computer systems;
- receive from said first retailer computer system first retailer consumer profile data comprising CIDs of customers of said first retailer;
- receive from said second retailer computer system second retailer consumer profile data comprising CIDs of customers of said second retailer;
- determine from said first retailer consumer profile data, first retailer selected CIDs; determine from said second retailer consumer profile data, second retailer selected CIDs;
- wherein said first retailer selected CIDs are CIDs having data associated with them that satisfy consumer profile criteria data, wherein said consumer profile criteria are based at least in part upon said manufacturer promotional sample product criteria data;
- wherein said second retailer selected CIDs are CIDs having data associated with them that satisfy consumer profile criteria, wherein said consumer profile criteria are based at least in part upon said manufacturer promotional sample product criteria data;
- communicate instructions to a point of sale to deliver a sample product to a consumer at the point of sale during a transaction in which said point of sale detects the presence at the point of sale of one of said first retailer selected CIDs and said second retailer selected CIDs.

47. (Previously Presented) The system of claim 1 wherein said first offer and said second offer are different from one another.

Table of Contents

<u>37 CFR 1.116 AMENDMENT AFTER FINAL OFFICE ACTION</u>	<u>3</u>
THE CLAIMS	<u>4</u>
<u>REMARKS</u>	<u>16</u>
I. Front Page of Office Action	<u>16</u>
II. Status of Claims	<u>16</u>
III. Summary	<u>16</u>
IV. The Rejections of Claims 1-47 under 35 USC 103(a) Based Upon Deaton (USP 5,687,322, hereinafter “Deaton”) in View of O'Brien (USP 5,832,457, hereinafter "O'Brien")	<u>16</u>
A. What Deaton Discloses	<u>16</u>
B. What Deaton Fails to Disclose or Suggest that is Defined in Independent Claims 1, 23, 45, and 46	<u>17</u>
1. Implementing a Product Sampling Program, and Providing a product Sample - Claims 1, 23, 45, and 46	<u>17</u>
2. Deaton and O'Brien; O'Brien Does Not Disclose Product Sampling In Store Delivery - Claim 46	<u>18</u>
3. Deaton and O'Brien do not Suggest Postal Mailing Product Samples - Claims 1, 23, and 45	<u>19</u>
4. Deaton and O'Brien do not Suggest <i>a Central Computer System Determining CIDs to Assign to Product Samples</i> - Claims 1, 23, 45, and 46	<u>20</u>
a. Deaton Fig. 19 Disclosure, Cited by the Examiner	<u>20</u>
b. Deaton Fig. 25 Disclosure, Cited by the Examiner	<u>22</u>
c. Deaton Column 58 lines 25-36, Cited by the Examiner	<u>23</u>
d. Deaton Column 76 lines 55-68, Cited by the Examiner	<u>24</u>
e. Deaton's Column 83 lines 10-25, Cited by the Examiner	<u>24</u>
5. Deaton and O'Brien do not Suggest the claimed function of "determine, based at least in part on manufacturer promotional sample product criteria data, <i>first offer data constituting a first offer for a first retailer to participate in a sampling program.</i>" - Independent Claims 1, 23, 45, and 46	<u>27</u>

6.	Deaton and O'Brien do not Suggest the claimed function of "communicate instructions how to deliver sample products to postal addresses of consumers associated with said first retailer selected CIDs and said second retailer selected CIDs." - Independent Claims 1, 23, and 45	<u>29</u>
7.	Deaton and O'Brien do not Suggest the claimed function of "communicate instructions to a point of sale to deliver a sample product to a consumer at the point of sale during a transaction in which said point of sale detects the presence at the point of sale of one of said first retailer selected CIDs and said second retailer selected CIDs." - Claim 46	<u>29</u>
C.	Dependent Claims 2, 6, 24, and 28	<u>29</u>
D.	Dependent Claims 3 and 25	<u>30</u>
E.	Dependent claims 4 and 26	<u>31</u>
F.	Claims 5 and 27	<u>31</u>
G.	Claims 6 and 28	<u>32</u>
H.	Claims 7-11 and 29-33	<u>32</u>
I.	Claims 16-19 and 38-41	<u>33</u>
J.	Dependent Claims 20 and 42	<u>34</u>
V.	The Rejections of Claims 1-47 under 35 USC 103 based upon Deaton (5,687,322) in view of Rochon (20020046085)	<u>35</u>
VI.	The Rejections of Claims 1-47 under 35 USC 103 based upon Deaton (5,687,3222) in view of Rochon (WO00/68849)	<u>39</u>
VII.	The Rejections of Claims 1-47 Alternatively under 35 USC 102(e) as Anticipated or Under 35 USC 103 as Obvious Based Upon Rochon (20020046085)	<u>42</u>
VIII.	Closure	<u>43</u>